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VIA ECF

Hon. Leo M. Gordon
United States District Court
District of New Jersey
2 Federal Square
Newark, NJ 07102

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Re: *State of New Jersey v. U.S. Dep't of Transportation et al.*, No. 2:23-cv-03885

Dear Judge Gordon:

I respectfully write on behalf of the State of New Jersey (“New Jersey”) to update Your Honor on another recent development related to this case. This morning, the Metropolitan Transportation Authority (“MTA”) posted on its website that the Federal Highway Administration (“FHWA”) has completed its “Re-Evaluation 2” of the new phased-in tolling scheme and concluded that “no additional environmental analysis is warranted” since “[t]he conclusions in the Final Environmental Assessment and Finding of No Significant Impact remains valid.”¹ The FHWA, New York State Department of Transportation, Triborough Bridge and Tunnel Authority, and New York City Department of Transportation proceeded to sign and execute the Value Pricing Pilot Program Agreement, thereby giving a green light for this congestion pricing program to begin.² Both of these actions were taken without prior notice to the public or this Court. Thus, there are now no impediments to the MTA “flipping the switch” to start congestion pricing, although MTA officials have said publicly they will commence the scheme late on January 5, 2025. Hence, on behalf of New Jersey, we respectfully reiterate our request for a decision from Your Honor as soon as possible.

Respectfully,

/s/ Randy M. Mastro

Randy M. Mastro

cc: All counsel of record (via ECF)

¹ Letter from Richard J. Marquis to Dr. C de Cerreno, et al. <https://new.mta.info/document/158196> (Nov. 21, 2024).

² VPPP Agreement, <https://new.mta.info/document/158201> (Nov. 21, 2024).